

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CORE WIRELESS LICENSING)
S.A.R.L.)
Plaintiff,) CIVIL ACTION NO. 6:12-CV-100-LED
v.) JURY TRIAL DEMANDED
APPLE INC.,)
Defendant.)

**CORE WIRELESS LICENSING S.A.R.L'S ANSWER TO APPLE INC.'S
COUNTERCLAIMS TO CORE WIRELESS LICENSING S.A.R.L'S
THIRD AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff-Counterdefendant, Core Wireless Licensing S.a.r.l. (“Core Wireless”) answers Counterclaims for Declaratory Judgment of Noninfringement and Invalidity of U.S. Patent Nos. 6,792,277 (“the ’277 patent”); 6,697,347 (“the ’347 patent”); 7,447,181 (“the ’181 patent”); 7,529,271 (“the ’271 patent”); 6,788,959 (“the ’959 patent”); 6,266,321 (“the ’321 patent”); 6,978,143 (“the ’143 patent”); 7,804,850 (“the ’850 patent”); 7,817,679 (“the ’679 patent”); 7,415,045 (“the ’045 patent”); 7,415,045 (“the ’045 patent”); 7,383,022 (“the ’022 patent”); 7,599,664 (“the ’664 patent”); and 8,259,689 (“the ’689 patent”), collectively (the “Asserted Patents”) of Defendant-Counterclaimant Apple Inc. (“Apple”), as follows:

NATURE OF ACTION

1. Core Wireless admits that Apple's counterclaims arise from Core Wireless's allegation of infringement of the Asserted Patents, but otherwise denies the remainder of the allegations of Paragraph 1 of the Counterclaims.

2. Admitted.

3. Admitted.

PARTIES

4. Admitted.

5. Admitted.

JURISDICTION AND VENUE

6. Admitted.

7. Admitted.

8. Core Wireless admits that Apple states that it will defend itself in this venue until the Court rules on Apple's transfer motion, but otherwise denies the remainder of the allegations of Paragraph 8 of the Counterclaims.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '277 Patent)

9. Core Wireless incorporates by reference its responses to Paragraphs 1-8 of this Answer to Apple's Counterclaims as if fully set forth herein.

10. Denied.

11. Denied.

SECOND CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '277 Patent)

12. Core Wireless incorporates by reference its responses to Paragraphs 1-11 of this Answer to Apple's Counterclaims as if fully set forth herein.

13. Denied.

14. Denied.

THIRD CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '347 Patent)

15. Core Wireless incorporates by reference its responses to Paragraphs 1-14 of this Answer to Apple's Counterclaims as if fully set forth herein.

16. Denied.

17. Denied.

FOURTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '347 Patent)

18. Core Wireless incorporates by reference its responses to Paragraphs 1-17 of this Answer to Apple's Counterclaims as if fully set forth herein.

19. Denied.

20. Denied.

FIFTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '181 Patent)

21. Core Wireless incorporates by reference its responses to Paragraphs 1-20 of this Answer to Apple's Counterclaims as if fully set forth herein.
22. Denied.
23. Denied.

SIXTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '181 Patent)

24. Core Wireless incorporates by reference its responses to Paragraphs 1-23 of this Answer to Apple's Counterclaims as if fully set forth herein.
25. Denied.
26. Denied.

SEVENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '959 Patent)

27. Core Wireless incorporates by reference its responses to Paragraphs 1-26 of this Answer to Apple's Counterclaims as if fully set forth herein.
28. Denied.
29. Denied.

EIGHTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '959 Patent)

30. Core Wireless incorporates by reference its responses to Paragraphs 1-29 of this Answer to Apple's Counterclaims as if fully set forth herein.
31. Denied.
32. Denied.

NINTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '271 Patent)

33. Core Wireless incorporates by reference its responses to Paragraphs 1-32 of this Answer to Apple's Counterclaims as if fully set forth herein.
34. Denied.
35. Denied.

TENTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '271 Patent)

36. Core Wireless incorporates by reference its responses to Paragraphs 1-35 of this Answer to Apple's Counterclaims as if fully set forth herein.
37. Denied.
38. Denied.

ELEVENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '321 Patent)

39. Core Wireless incorporates by reference its responses to Paragraphs 1-38 of this Answer to Apple's Counterclaims as if fully set forth herein.
40. Denied.
41. Denied.

TWELFTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '321 Patent)

42. Core Wireless incorporates by reference its responses to Paragraphs 1-41 of this Answer to Apple's Counterclaims as if fully set forth herein.
43. Denied.
44. Denied.

THIRTEENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '143 Patent)

45. Core Wireless incorporates by reference its responses to Paragraphs 1-44 of this Answer to Apple's Counterclaims as if fully set forth herein.

46. Denied.

47. Denied.

FOURTEENTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '143 Patent)

48. Core Wireless incorporates by reference its responses to Paragraphs 1-47 of this Answer to Apple's Counterclaims as if fully set forth herein.

49. Denied.

50. Denied.

FIFTEENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '850 Patent)

51. Core Wireless incorporates by reference its responses to Paragraphs 1-50 of this Answer to Apple's Counterclaims as if fully set forth herein.

52. Denied.

53. Denied.

SIXTEENTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '850 Patent)

54. Core Wireless incorporates by reference its responses to Paragraphs 1-53 of this Answer to Apple's Counterclaims as if fully set forth herein.

55. Denied.

56. Denied.

SEVENTEENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '679 Patent)

57. Core Wireless incorporates by reference its responses to Paragraphs 1-56 of this Answer to Apple's Counterclaims as if fully set forth herein.

58. Denied.

59. Denied.

EIGHTEENTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '679 Patent)

60. Core Wireless incorporates by reference its responses to Paragraphs 1-59 of this Answer to Apple's Counterclaims as if fully set forth herein.

61. Denied.

62. Denied.

NINETEENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '045 Patent)

63. Core Wireless incorporates by reference its responses to Paragraphs 1-62 of this Answer to Apple's Counterclaims as if fully set forth herein.

64. Denied.

65. Denied.

TWENTIETH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '045 Patent)

66. Core Wireless incorporates by reference its responses to Paragraphs 1-65 of this Answer to Apple's Counterclaims as if fully set forth herein.

67. Denied.

68. Denied.

TWENTY FIRST CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '860 Patent)

69. Core Wireless incorporates by reference its responses to Paragraphs 1-68 of this Answer to Apple's Counterclaims as if fully set forth herein.

70. Denied.

71. Denied.

TWENTY SECOND CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '860 Patent)

72. Core Wireless incorporates by reference its responses to Paragraphs 1-71 of this Answer to Apple's Counterclaims as if fully set forth herein.

73. Denied.

74. Denied.

TWENTY THIRD CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '022 Patent)

75. Core Wireless incorporates by reference its responses to Paragraphs 1-74 of this Answer to Apple's Counterclaims as if fully set forth herein.

76. Denied.

77. Denied.

TWENTY FOURTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '022 Patent)

78. Core Wireless incorporates by reference its responses to Paragraphs 1-77 of this Answer to Apple's Counterclaims as if fully set forth herein.

79. Denied.

80. Denied.

TWENTY FIFTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '664 Patent)

81. Core Wireless incorporates by reference its responses to Paragraphs 1-80 of this Answer to Apple's Counterclaims as if fully set forth herein.

82. Denied.

83. Denied.

TWENTY SIXTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '664 Patent)

84. Core Wireless incorporates by reference its responses to Paragraphs 1-83 of this Answer to Apple's Counterclaims as if fully set forth herein.

85. Denied.

86. Denied.

TWENTY SEVENTH CAUSE OF ACTION
(Declaratory Judgment of Non-Infringement of the '689 Patent)

87. Core Wireless incorporates by reference its responses to Paragraphs 1-86 of this Answer to Apple's Counterclaims as if fully set forth herein.

88. Denied.

89. Denied.

TWENTY EIGHTH CAUSE OF ACTION
(Declaratory Judgment of Invalidity of the '689 Patent)

90. Core Wireless incorporates by reference its responses to Paragraphs 1-89 of this Answer to Apple's Counterclaims as if fully set forth herein.

91. Denied.

92. Denied.

PRAYER FOR RELIEF

In response to Apple's Prayer for Relief, Core Wireless denies that Apple is entitled to any relief, and in particular to any of the relief requested in paragraphs (a)-(f) of Apple's Prayer for Relief, and further requests that the Court enter such preliminary and final orders and judgments as are necessary to provide Core Wireless with the following requested relief:

- A. A Judgment in favor of Core Wireless on Apple's Counterclaims that the Asserted Patents are not invalid and enforceable and that Apple infringes all of the Asserted Patents;
- B. An Order dismissing Apple's Counterclaims in their entirety and with prejudice;
- C. For an accounting of all damages sustained by Plaintiff as the result of Apple's acts of infringement;
- D. For enhanced damages pursuant to 35 U.S.C. § 284;
- E. For a mandatory future royalty payable on each and every product sold by Apple in the future that is found to infringe one or more of the patents-in-suit and on all future products which are not colorably different from products found to infringe;
- F. For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or otherwise permitted by law;
- G. For all costs of suit; and
- H. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule CV-38, Plaintiff demands a trial by jury of this action.

Dated: January 2, 2013

Respectfully Submitted,

By: /s/ Henry Bunsow

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**ATTORNEYS FOR PLAINTIFF CORE
WIRELESS LICENSING S.A.R.L.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed.R.Civ.P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of this document via email, facsimile and/or U.S. First Class Mail.

Dated: January 2, 2013

/s/ Henry C. Bunsow

Henry C. Bunsow